

.15 mgs., Magnesium 2 mgs., Fluorine .1 mgs., Sodium 2.5 mgs., Copper 1 mg., Iodine .15 mgs., Nickel .015 mgs., Sulphur .25 mgs., Manganese 1.5 mgs., Chlorine .014 gms., Potassium .15 mgs., Zinc 1.5 mgs."

ACCOMPANYING LABELING: (Lymphex) Booklet entitled "Myroxylon Bark Extract New Type Osmotic Bath Therapy for Arthritis and Chronic Sinus Trouble" and various letters addressed by the defendant; (Tracel) leaflets entitled "National Disaster by Mineral Starvation" and "The Normal Diet Cannot Be Depended Upon for Adequate Vitamins-Minerals-Trace Elements."

CHARGE: *Lymphex*. 502 (a)—the labeling of the article when shipped contained false and misleading representations that the article consisted essentially of an extract of myroxylon tree bark and that the article was an adequate and effective treatment for deep-seated infections, arthritis, sinusitis, bursitis, rheumatic fever, inflammatory rheumatism, sciatica, and many infections including those of a virus nature.

Tracel. 502 (a)—the accompanying labeling of the article when shipped contained false and misleading representations that the article would be effective in the treatment of allergies and asthma; that it would be effective in the prevention of diabetes; that all of the minerals contained in the article were trace elements and are required in human nutrition; that a normal diet would not supply adequate vitamins, minerals, and trace elements; and that the human system cannot make use of vitamins without minerals.

PLEA: Not guilty.

DISPOSITION: On 5-11-54, the case came on for trial before a jury, and, at its conclusion, the jury returned a verdict of guilty. On 5-28-54, the court fined the defendant \$500 on count 4 of the information relating to the Tennessee shipment of *Lymphex*, suspended the imposition of sentence on the other counts, and placed the defendant on probation for 1 year.

4677. Vitalitone device. (F. D. C. No. 37096. S. Nos. 80-428 L, 81-078 L.)

QUANTITY: 2 devices at San Francisco, Calif.

SHIPPED: 2-17-54 and 3-15-54, from Salt Lake City, Utah, by Park Mfg. Co.

LABEL IN PART: (Device) "Vitalitone Model B."

ACCOMPANYING LABELING: Booklets entitled "Vitalitone Application Placements For Various Conditions" and copies of a body chart showing points of application of the device to the body.

RESULTS OF INVESTIGATION: The *Vitalitone device* was a device for applying electric currents to the body.

LIBELED: 9-15-54, N. Dist. Calif.

CHARGE: 502 (a)—the labeling accompanying the article when shipped contained false and misleading representations that the article would provide an adequate and effective treatment for rheumatism, arthritis, "Charley horse," liver ailments, kidney ailments, paralysis, prolapsed colon, conditions affecting the female organs, angina pectoris, nervous indigestion, high blood pressure, low blood pressure, constipation, asthma, fallen arches, sinus conditions, hay fever, double chin, bags under the eyes, and for rejuvenating the busts.

DISPOSITION: 12-22-54. Consent—claimed by Walter F. Gertz, San Francisco, Calif., and relabeled.

4678. Voluptae device. (F. D. C. No. 36877. S. No. 58-204 L.)

QUANTITY: 51 assembled units and component parts for assembling 925 units at Chicago, Ill.

SHIPPED: 5-25-54, from Los Angeles, Calif., by aaRbee Plastic Co., at the direction of Hollywood Models, Inc.

ACCOMPANYING LABELING: Tags designated "Voluptae" for attaching to the assembled device; folders entitled "Voluptae" containing "before" and "after" photographs; and mailing sets, each containing a circular designated "Voluptae If You're Flat Chested" and a circular designated "At Last! A Safe . . . New . . . Easy Way That Has Enabled Other Women to Develop a Full Firm Bust" and a directions tag designated "Voluptae."

RESULTS OF INVESTIGATION: The interstate shipment described above consisted of unassembled component parts of the *Voluptae device*. These parts were shipped for delivery to Chicago, Ill., to Voluptae, Division of Permanent Stainless Steel, Inc., for assembly by that firm. Such firm also had the above-mentioned accompanying labeling produced locally at Chicago, using, in part, reproductions of printed and graphic matter originally supplied to it by Hollywood Models, Inc.

The assembled *Voluptae device* consisted of a plastic cup with a rubber gasket around its edge and a plastic vacuum pump attached to the cup. In use, the plastic cup was pressed against the chest so that it would enclose one of the breasts and the rubber gasket would form an airtight seal against the chest, after which the plastic pump was manipulated in a manner that created a partial vacuum inside the plastic cup.

LIBELED: 7-12-54, N. Dist. Ill.

CHARGE: 502 (a)—the accompanying labeling of the article when shipped and while held for sale contained false and misleading representations that the device was effective in increasing the size of the breasts, providing shape, growth, and expansion for underdeveloped breasts so that they would become full, round, and firm, and for improving the tone of the breast tissues.

DISPOSITION: On 10-6-54, Hollywood Models, Inc., claimant, having requested removal of the libel action to the United States District Court for the Northern District of California, an order was entered directing such removal. Thereafter, Hollywood Models, Inc., withdrew its claim, and on 6-21-55, a default decree was entered providing for condemnation of the goods and delivery to the Food and Drug Administration.

DRUGS FOR VETERINARY USE*

4679. 3-Way Dog-Tone Tabs. (F. D. C. No. 35283. S. No. 66-173 L.)

QUANTITY: 58 cartons, 12 boxes each, at Oak Park, Ill.

SHIPPED: Between 2-16-53 and 4-26-53, from Addison, Mich., by Hickory Laboratories, Inc.

LABEL IN PART: (Box) "Hickory's * * * 3-Way Dog-Tone Tabs * * * 50 Tablets * * * An Effective Wormer Conditioner And Toner To Help Prevent And Relieve The Symptoms Of Colds And Distemper * * * Active Ingredients Areca Nut 2 grains; Sulphur; Sodium Hyposulphite."

ACCOMPANYING LABELING: Leaflets entitled "An Effective Wormer, Toner and Conditioner."

RESULTS OF INVESTIGATION: Analysis revealed that the article contained 1.5 grains of sulfur, 0.9 grain of sodium hyposulfite, and not more than 1.2 grains of areca nut per tablet.

LIBELED: 6-2-53, N. Dist. Ill.

*See also Nos. 4669, 4670.